

Inc., and Last.FM Ltd., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, subject to the terms of a confidential settlement agreement dated December 16, 2009, with each party to bear its own costs, expenses and attorneys fees.

AGREED:

/s/ Tyler K. Brochstein (with permission)

Marc A. Fenster, CA Bar # 181067

mfenster@raklaw.com

RUSS AUGUST & KABAT

12424 Wilshire Boulevard,

12th Floor

Los Angeles, CA 90025

Telephone: (310) 826-7474

Facsimile: (310) 826-6991

Andrew W. Spangler, TX Bar # 24041960

spangler@spanglerlawpc.com

SPANGLER LAW P.C.

104 E. Houston Street, Ste. 135

Marshall, Texas 75670

Telephone: (903) 935-3443

Facsimile: (903) 938-7843

Tyler K. Brochstein, TX Bar # 24059490

tyler@brochlaw.com

BROCHSTEIN LAW FIRM PLLC

2820 McKinnon St., Ste. 4063

Dallas, TX 75201

Telephone: (713) 320-1456

Facsimile: (208) 460-0603

Attorneys for API Technologies, LLC

/s/Alan L. Whitehurst

Alan L. Whitehurst

alan.whitehurst@alston.com

Marissa R. Ducca

marissa.ducca@alston.com

ALSTON & BIRD LLP

The Atlantic Building

950 F Street, N.W.

Washington, DC 20004

Telephone: (202) 756-3300

Facsimile: (202) 756-3333

Michael J. Newton (SBN 24003844)

mike.newton@alston.com

ALSTON & BIRD LLP

Chase Tower

2200 Ross Avenue, Suite 3601

Dallas, TX 75201

Telephone: (214) 922-3423

Facsimile: (214) 922-3839

**Attorneys for CBS Corporation, CBS
Interactive Inc., CBS Interactive
Media, Inc., CNET Investments, Inc.,
CNET Networks, Inc., and Last.FM
Ltd.**

Dated: January 4, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that on this 4th day of January, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule Cv-5(a)(3). Any other counsel of record will be served via first class mail and/or facsimile.

/s/ Alan L. Whitehurst
Alan L. Whitehurst